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09/656,258	09/06/2000	JIMMIE D. BURROW	B-68826	9092

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EXAMINER

CHAN, SING P

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/656,258	Applicant(s) BURROW ET AL.	
	Examiner Sing P Chan	Art Unit 1734	

-- Th MAILING DATE of this communication appears on th cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 8-26, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8-26, 29, and 30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 8-17, 20-24, and 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins (U.S. 5,974,230) in view of Lu et al (U.S. 5,891,552), Fabrikant et al (U.S. 6,277,228), Becker et al (U.S. 4,778,547), and Aitkens et al (U.S. 5,380,044).

Regarding claims 1, 9, 15, 17, 23, 24 Jenkins discloses a method generating a label. The method includes providing a sheet of material, providing a microprocessor to control and transfer the image or graphic to a printer, printing the image or graphic onto the sheet material die cutting the sheet material into multiple image sheet, place the image sheet in contact with the substrate or folder, and bonding the image sheet to the substrate or folder. (Col 3, line 40 to Col 4, lines 54) Jenkins does not disclose the sheet material is comprises of flexible plastic material, transferring an image to the processor to be applied to the sheet material, and bonding and debossing the image sheet using RF energy. However, these are all well known and conventional as shown for example by Lu et al, Fabrikant et al , Becker et al, and Aitkens et al. Lu et al discloses a printed plastic films for labels. The film material comprises of

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polyvinyl chloride and includes a heat seal or pressure seal surface and is moisture resistant and more durable than the paper material. (Col 6, lines 33-52)

It would have been obvious to one skilled in the art at the time the invention was made to provide a plastic label as disclosed by Lu et al in the method of Jenkins to provide a moisture resistant and more durable label. Lu et al does not disclose transferring of an image to a processor and bonding and debossing and using RF energy to bond and deboss. Fabrikant et al discloses a method of marking on a plastic substrate. The method includes the steps of applying a plastic label to the plastic substrate, placing the debosser onto the label and substrate and debossing both the label and the substrate. (Col 3, line 55 to Col 4, line 13)

It would have been obvious to one skilled in the art at the time the invention was made to deboss the label as disclosed by Fabrikant et al in the method of Jenkins to more securely bond the label onto the substrate and prevent removal. Fabrikant et al is silent as to the transferring of image to a processor and bonding and debossing with RF energy. Becker et al discloses a method of bonding and embossing layers of plastic films to a plastic base using RF energy. The die cut layers film and base material are placed in a flatbed press with a embossing plate and a flat back plate. High frequency energy is applied after the press is closed to apply pressure. The heat generated will soften the plastic film material and allows the plastic film material to flow to assist in the sealing and bonding of the film material to the base material. (Col 6, lines 9-67)

It would have been obvious to one skilled in the art at the time the invention was made to use RF energy to deboss and bond the plastic films to the plastic base as disclosed by Becker et al in the method of Jenkins to provide a deeper and more clearly defined embossing and less distortion. Becker et al does not disclose the transfer of image to a processor. Aitkens et al discloses a method of forming an identification card. The method includes using an optical scanner to read into the process the image, which would be printed onto the image sheet. (Col 5, lines 1-10)

It would have been obvious to one skilled in the art at the time the invention was made to provide to transfer an image to be printed onto the image sheet to a processor using an optical scanner Aitkens et al in the method of Jenkins to provide an image with an easy and readily made available with a scanner and scanning method.

Regarding claim 2, Jenkins discloses the image sheet is die cut to facilitate removal of each label. (Col 4, lines 51-52)

Regarding claim 8, Jenkins discloses printing image on the image sheet as part of larger opaque sheet. (Col 3, lines 40-52 and Col 4, lines 47-54) However, Jenkins is silent as to the printing comprises of inkjet printing, photostatic printing, and thermal ribbon printing. But these printing methods are well known and convention to one in the art shown by the availability of inkjet printers, laser printers, and thermal ribbon printers.

It would have been obvious to one skilled in the art at the time the invention was made to print the images on a larger sheet material to form

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multiple image sheets to prevent unnecessary waste of the sheet material and using inkjet printer, photostatic printer, or thermal ribbon printer to print the images where these printers are easily obtain and easy to use.

Regarding claim 10, Jenkins is silent as to applying an ink receptive coating to the image sheet. However, applying an ink receptive coating onto a plastic image sheet is well known and conventional as shown for example by Lu et al. Lu et al discloses the image sheet is coated with an ink absorbing material. (Col 3, line 31 to Col 4, line 57)

It would have been obvious to one skilled in the art at the time the invention was made to coat the image sheet with an ink receptive coating to allow better adhesion of the ink to the image sheet.

Regarding claim 11, Jenkins does not disclose providing a texture prior to applying a coating. However, one in the art would appreciate treating the plastic film prior to coating to allow better adhesion of the coating to film and such treatment, which would provide a texture surface is well known and conventional. For example, Lu et al discloses the film is treated with flame or corona treatment to provide a high energy surface for better adhesion of the coating or primer. (Col 7, lines 1-7)

It would have been obvious to one skilled in the art at the time the invention was made to treat the surface of the film as disclosed by Lu et al in the method of Jenkins to provide a high energy surface to allow better adhesion of coating and primer.

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Regarding claim 12, Jenkins discloses a clear vinyl cover sheet with a pressure sensitive adhesive is laminated to the image sheet prior to die cutting to individual labels. (Col 4, lines 49-54)

Regarding claim 13, Jenkins discloses a complete pointed sheet is die cut into individual labels. (Col 4, 47-54)

Regarding claim 14, Jenkins discloses laminating a clear vinyl cover sheet over the complete printed sheet. (Col 4, lines 47-54)

Regarding claim 16, Jenkins discloses a clear vinyl face sheet, which include polyvinyl chloride. (Col 2, lines 65-66 and Figure 2)

Regarding claim 20, Jenkins does not disclose using a guide device on the folder or substrate for guiding the image sheet onto the folder or substrate. However, one in the art would appreciate using a guide device to aid in properly placing the image sheet onto the folder or substrate should the image sheet is smaller in dimension than the folder or substrate and therefore, it would have been logical for one in the art to provide a guide device on the folder or substrate to properly align the image sheet onto the folder or substrate.

It would have been obvious to one skilled in the art at the time the invention was made to provide a guide device on the folder or substrate to easily align and place the image sheet onto the folder or substrate.

Regarding claim 21, Jenkins does not disclose the use of light beam for guiding the placement of the image sheet. However, one in the art would appreciate providing at least one light beam to illuminate the work area to allow better viewing of the laminate. It would be logical to one in the art to use a light

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beam to illuminate the substrate in order to accurately place the image sheet onto the substrate.

It would have been obvious to one skilled in the art at the time the invention was made to use at least one light beam to illuminate the substrate to aid the operator in the placement of the image sheet onto the substrate.

Regarding claim 22, Jenkins discloses a clear vinyl cover sheet is laminated over the printed sheet prior to die cutting to remove the image sheet. (Col 4, lines 47-54)

Regarding claim 26, Jenkins does not disclose application of an ink receptive coating on the sheet material. However, Lu et al teaches the application of ink absorbing material onto the polyvinyl chloride sheet, which allow the ink to adhere properly onto the sheet material.

It would have been obvious to one skilled in the art at the time the invention was made to provide an ink receptive coat on the sheet material as taught by Lu et al to allow the ink to properly adhere to the sheet material without spreading.

3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins (U.S. 5,974,230) in view of Lu et al (U.S. 5,891,552), Fabrikant et al (U.S. 6,277,228), Becker et al (U.S. 4,778,547), and Aitkens et al (U.S. 5,380,044) as applied to claim 17 above, and further in view of Kaule (U.S. 5,817,205).

Jenkins does not disclose debossing the substrate prior to placing the image sheet onto the substrate for bonding. However, debossing a substrate

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without an image sheet is well known and conventional as shown for example by the Kaule. Kaule discloses a method of applying a hologram to a paper substrate. The method includes running the paper substrate into a glazing unit with cylinders with raised areas to produce indented surface, applying bonding agent to the glazed stripe or stripes and applying an endless hologram, which is guided to the glazed stripe or stripes. (Col 9, lines 25-46 and Figure 2 and 3)

It would have been obvious to one skilled in the art at the time the invention was made to emboss or deboss the substrate to provide indentation on the substrate as disclosed by Kaule in the method of Jenkins wherein the indentation would provide a guiding and positioning mean to properly place the an image sheet or film.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins (U.S. 5,974,230) in view of Lu et al (U.S. 5,891,552), Fabrikant et al (U.S. 6,277,228), Becker et al (U.S. 4,778,547), and Aitkens et al (U.S. 5,380,044) as applied to claim 17 above, and further in view of Owen (U.S. 3,301,703).

Regarding claim 19, Jenkins does not disclose placing the image sheet onto the debossing die and placing the folder or substrate over the image sheet prior to bonding the image sheet to the folder or substrate. However, one in the art would appreciate the order of placing the image depends on the orientation of the die and placing the image sheet onto the die and placing the substrate over the image sheet is well known and conventional as shown for example by Owen. Owen disclose a method of embossing printing plates. The method includes

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placing a pigmented carrier or plastic film between the die and the plate on the punch by interposing the plastic film between the die and the side the plate to be emboss or deboss. (Col 4, lines 1-15 and Figures 3-5)

It would have been obvious to one skilled in the art at the time the invention was made to place the image sheet onto the die and place the substrate onto the image sheet as disclosed by Owen in the method of Jenkins where the debossing die act as a guiding device to properly place the image sheet in alignment with the folder or substrate should the image sheet is smaller in dimension than the folder or substrate.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins (U.S. 5,974,230) in view of Lu et al (U.S. 5,891,552), Fabrikant et al (U.S. 6,277,228), Becker et al (U.S. 4,778,547), and Aitkens et al (U.S. 5,380,044) as applied to claim 17 above, and further in view of Herrin (U.S. 4,477,013).

Jenkins does not disclose the folder is formed of a flexible plastic material. However, providing a flexible plastic material for the covering of the folder is well known and conventional as shown for example by Herrin. Herrin discloses the folder comprises of conventional manila paper or stiff card-stock material and a front panel of a stiff translucent clear transparent plastic such as polyvinyl chloride. (Col 2, lines 40-63)

It would have been obvious to one skilled in the art at the time the invention was made to form the image sheet and the folder of plastic material

such as polyvinyl chloride, which is durable, inexpensive to manufacture, and capable of being decorated.

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins (U.S. 5,974,230) in view of Lu et al (U.S. 5,891,552), Fabrikant et al (U.S. 6,277,228), Becker et al (U.S. 4,778,547), and Kaule (U.S. 5,817,205).

Jenkins discloses a method generating a label. The method includes providing a sheet of material, printing the image or graphic onto the sheet material, die cutting the sheet material into multiple image sheet, place the image sheet in contact with the substrate or folder, and bonding the image sheet to the substrate or folder. (Col 3, line 40 to Col 4, lines 54) Jenkins does not disclose the sheet material is comprises of flexible plastic material, bonding and debossing the image sheet using RF energy, and debossing the substrate prior to placing the image sheet onto the substrate for bonding. However, these are all well known and conventional as shown for example by Lu et al, Fabrikant et al, Becker et al, and Kaule. Lu et al discloses printed plastic films. The film material comprises of polyvinyl chloride and includes a heat seal or pressure seal surface and is moisture resistant and more durable than the paper material. (Col 6, lines 33-52)

It would have been obvious to one skilled in the art at the time the invention was made to provide a plastic label as disclosed by Lu et al in the method of Jenkins to provide a moisture resistant and more durable label. Lu et al does not disclose debossing the substrate prior to placing the image sheet onto the substrate for bonding and debossing and using RF energy to bond and

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deboss. Fabrikant et al discloses a method of marking on a plastic substrate. The method includes the steps of applying a plastic label to the plastic substrate, placing the debosser onto the label and substrate and debossing both the label and the substrate. (Col 3, line 55 to Col 4, line 13)

It would have been obvious to one skilled in the art at the time the invention was made to deboss the label as disclosed by Fabrikant et al in the method of Jenkins to more securely bond the label onto the substrate and prevent removal. Fabrikant et al is silent as to debossing the substrate prior to placing the image sheet onto the substrate for bonding and debossing and using RF energy. Becker et al discloses a method of bonding and embossing layers of plastic films to a plastic base using RF energy. The die cut layers film and base material are placed in a flatbed press with a embossing plate and a flat back plate. High frequency energy is applied after the press is closed to apply pressure. The heat generated will soften the plastic film material and allows the plastic film material to flow to assist in the sealing and bonding of the film material to the base material. (Col 6, lines 9-67)

It would have been obvious to one skilled in the art at the time the invention was made to use RF energy to deboss and bond the plastic films to the plastic base as disclosed by Becker et al in the method of Jenkins to provide a deeper and more clearly defined embossing and less distortion. Becker et al does not disclose debossing the substrate prior to placing the image sheet onto the substrate for bonding. However, debossing a substrate prior to placing an image sheet into the indentation is well known and conventional as shown for

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example by the Kaule. Kaule discloses a method of applying a hologram to a paper substrate. The method includes running the paper substrate into a glazing unit with cylinders with raised areas to produce indented surface, applying bonding agent to the glazed stripe or stripes and applying an hologram, which is guided to the glazed stripe or stripes. (Col 9, lines 25-46 and Figure 2 and 3)

It would have been obvious to one skilled in the art at the time the invention was made to emboss or deboss the substrate to provide indentation on the substrate as disclosed by Kaule in the method of Jenkins wherein the indentation would provide a guiding and positioning mean to properly place the an image sheet or film.

7. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins (U.S. 5,974,230) in view of Lu et al (U.S. 5,891,552), Fabrikant et al (U.S. 6,277,228), Becker et al (U.S. 4,778,547), and Owen (U.S. 3,301,703).

Jenkins discloses a method generating a label. The method includes providing a sheet of material, printing the image or graphic onto the sheet material, die cutting the sheet material into multiple image sheet, place the image sheet in contact with the substrate or folder, and bonding the image sheet to the substrate or folder. (Col 3, line 40 to Col 4, lines 54) Jenkins does not disclose the sheet material is comprises of flexible plastic material, and bonding and debossing the image sheet using RF energy. However, these are all well known and conventional as shown for example by Lu et al, Fabrikant et al , Becker et al,

and Owen. Lu et al discloses printed plastic films. The film material comprises of polyvinyl chloride and includes a heat seal or pressure seal surface and is moisture resistant and more durable than the paper material. (Col 6, lines 33-52)

It would have been obvious to one skilled in the art at the time the invention was made to provide a plastic label as disclosed by Lu et al in the method of Jenkins to provide a moisture resistant and more durable label. Lu et al does not disclose placing the image sheet on the die and placing the substrate on the image sheet prior to bonding and debossing and using RF energy to bond and deboss. Fabrikant et al discloses a method of marking on a plastic substrate. The method includes the steps of applying a plastic label to the plastic substrate, placing the debosser onto the label and substrate and debossing both the label and the substrate. (Col 3, line 55 to Col 4, line 13)

It would have been obvious to one skilled in the art at the time the invention was made to deboss the label as disclosed by Fabrikant et al in the method of Jenkins to more securely bond the label onto the substrate and prevent removal. Fabrikant et al is silent as to placing the image sheet on the die and placing the substrate on the image sheet prior to bonding and using RF energy. Becker et al discloses a method of bonding and embossing layers of plastic films to a plastic base using RF energy. The die cut layers film and base material are placed in a flatbed press with a embossing plate and a flat back plate. High frequency energy is applied after the press is closed to apply pressure. The heat generated will soften the plastic film material and allows the

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plastic film material to flow to assist in the sealing and bonding of the film material to the base material. (Col 6, lines 9-67)

It would have been obvious to one skilled in the art at the time the invention was made to use RF energy to deboss and bond the plastic films to the plastic base as disclosed by Becker et al in the method of Jenkins to provide a deeper and more clearly defined embossing and less distortion. Becker et al does not disclose placing the image sheet onto the debossing die and placing the folder or substrate over the image sheet prior to bonding the image sheet to the folder or substrate. However, one in the art would appreciate the order of placing the image depends on the orientation of the die and placing the image sheet onto the die and placing the substrate over the image sheet is well known and conventional as shown for example by Owen. Owen disclose a method of embossing printing plates. The method includes placing a pigmented carrier or plastic film between the die and the plate on the punch by interposing the plastic film between the die and the side the plate to be emboss or deboss. (Col 4, lines 1-15 and Figures 3-5)

It would have been obvious to one skilled in the art at the time the invention was made to place the image sheet onto the die and place the substrate onto the image sheet as disclosed by Owen in the method of Jenkins where the debossing die act as a guiding device to properly place the image sheet in alignment with the folder or substrate should the image sheet is smaller in dimension than the folder or substrate.

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Response to Arguments

8. Applicant's arguments with respect to claims 1, 2, and 8-30 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P Chan whose telephone number is 703-305-3175. The examiner can normally be reached on Monday-Friday 7:30AM-12:00PM and 1:00PM-4:30PM.

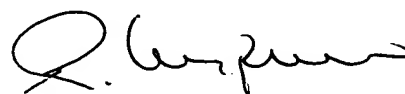
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Sing P Chan
Examiner
Art Unit 1734

spc
November 21, 2002



RICHARD CRISPINO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700